

## **REMARKS**

### ***Summary of Changes Made***

By this Amendment, claims 14, 18, 23, and 26 have been amended, and claims 17, 24, and 25 have been canceled. The application was originally filed with claims 1-27. Pursuant to a restriction requirement, claims 1-13 were canceled. Accordingly, claims 14-16, 18-23 and 26-27 (11 total claims) remain pending in the application. No new matter is added by this amendment.

### ***Claim Rejections - 35 U.S.C. §103(a) (Pham/Jones/Gipson)***

The Examiner rejected claims 14-16, 19-24, 26, and 27 under 35 U.S.C. 103(a) as unpatentably obvious over Pham U.S. Pat. No. 6,056,078 ("Pham") in view of Jones U.S. Pat. No. 6,140,609 ("Jones"), in further view of Gipson et al., U.S. Pat. No. 4,749,191 ("Gipson").

The Examiner asserts that Pham teaches a chassis, a plurality of wheels mounted to the chassis, an operator compartment supported on the chassis, and a battery for providing power to the vehicle. The Examiner admits that Pham fails to disclose a metal step, but contends that Jones discloses a metal step to support a vehicle operator when entering or exiting a vehicle. Further, the Examiner contends that Jones discloses an electrical circuit, which connects a heater to a battery, and may supply power from the latter to the former. Power thus supplied to the heater heats the step and melts ice or snow thereon.

The Examiner admits that Jones fails to disclose a tread plate, but contends that Gipson discloses a metal tread plate having top and bottom surfaces, a plurality of holes extending through the tread plate, and a plurality of grip structures extending upwardly from the top surface of the tread plate.

The Examiner concludes that it would have been obvious to modify the heated automated step of Jones to include an anti-slip tread plate as in Gipson so as to provide added traction on the heated step surface during rainy or snowy conditions.

With respect to claim 15, the Examiner contends that Gipson teaches a tread plate having a plurality of drain holes and a plurality of grip structures. With respect to claims 16 and 24, the Examiner contends that Gipson teaches a step comprising a plurality of drain structures extending downward from the bottom surface and structures defining drain holes.

Regarding claim 21, the Examiner states that Jones teaches an electrical circuit including a temperature switch that controls the power supply, and with respect to claim 22, Jones teaches an electrical circuit including a manual switch located in the operator compartment of the vehicle, which controls the supply of power to the heater.

With respect to claims 19 and 26, the Examiner states while that Jones teaches a heater, Jones fails to teach a tread plate (as taught by Gipson). However, the Examiner concludes that the combination of Gipson's tread plate and Jones' heated automated step would have been obvious to one skilled in the art.

Finally, considering claims 20 and 27, the Examiner asserts that "Jones discloses the claimed invention except for the thick film heater formed over the bottom surface of the tread plate." The Examiner concludes that inclusion of the thick film heater on the bottom surface of the tread plate would have been obvious to one skilled in the art.

### ***Claim Objections***

The Examiner objected to claims 17, 18 and 25, stating that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, the Examiner will note that claim 14 has been amended to incorporate the subject matter of claim 17, with the cancellation of claim 17. Although claim 18 remains in dependent form, it depends from claim 17, which should now be allowable as indicated by the Examiner. Similarly, claim 23 has been amended to incorporate the subject matter of claims 24 and 25, with the cancellation of claims 24 and 25. All remaining claims (15, 16, 18-22, 26, and 27) now ultimately depend from either claim 14 or claim 23, each of which is asserted to be patentable. Hence, it is respectfully submitted that claims 15, 16, 18-22, 26, and 27 are similarly patentable. It is believed this approach is fully compliant with, and fully responsive to, the claim objections raised by the Examiner. Based on the foregoing, it is asserted that claims 14-16, 18-22, 23, 26, and 27 are in condition for allowance and notice to that effect is respectfully requested.

***Commonly Owned Applications***

Included herewith is a disclosure statement citing two commonly owned applications. These applications concern vehicle steps, but not heated vehicle steps.

**CONCLUSION**

Based on the foregoing, the Applicants respectfully request entry of the instant amendment and a Notice of Allowability for claims 14-16, 18-22, 23, 26, and 27.

If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application. If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 18-0160, our Order No. ATL-14968.

Respectfully submitted,

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November 30, 2005